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TN

FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE 09/537,252 03/28/00 **JAMES** J U 012697-9 **EXAMINER** 000140 IM22/0824 LADAS & PARRY NGUYEN, N 26 WEST 61ST STREET ART UNIT PAPER NUMBER NEW YORK NY 10023 1754 DATE MAILED: 08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

	Application No. Applicant(s)  09/537,252 JAMES et al
Office Action Summary	Examiner Group Art Unit
•	N.M. NEVYEN 1754
The MAILING DATE of this communication appear	rs on the cover sheet beneath the correspondence address—
• •	s on the cover sheet beneath the correspondence address—
Period for Reply	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO OF THIS COMMUNICATION.	D EXPIRE <b>\( \Display \) \( \Display \)</b> MONTH(S) FROM THE MAILING DATE
from the mailing date of this communication.	
Status	
☐ Responsive to communication(s) filed on	
☐ This action is <b>FINAL</b> .	
☐ Since this application is in condition for allowance except accordance with the practice under Ex parte Quayle, 193.	for formal matters, <b>prosecution as to the merits is closed</b> in 5 C.D. 1 1; 453 O.G. 213.
Disposition of Claims	
•	is/are pending in the application.
Of the above claim(s)	is/are withdrawn from consideration
Claim(s)	
	is/are allowed.
☐ Claim(s)	
☐ Claim(s)	is/are rejected.
☐ Claim(s)	is/are rejected. is/are objected to. are subject to r <del>estriction o</del> r election
☐ Claim(s)	is/are rejected.
☐ Claim(s) ☐ Claim(s) ☐ Claim(s) ☐ 1 - 1 - 2  Application Papers   X See the attached Notice of Draftsperson's Patent Drawing	is/are rejected. is/are objected to. are subject to restriction or election requirement.
☐ Claim(s) ☐ Claim(s) ☐ Claim(s) ☐ 1 - 1 - 2  Application Papers  X See the attached Notice of Draftsperson's Patent Drawing ☐ The proposed drawing correction, filed on	is/are rejected. is/are objected to. are subject to restriction or election requirement.  Graview, PTO-948. is approved disapproved.
☐ Claim(s)————————————————————————————————————	is/are rejected. is/are objected to. are subject to restriction or election requirement.  Graview, PTO-948. is approved disapproved.
☐ Claim(s) ☐ Claim(s) ☐ 1 - 1 2  Application Papers  ☐ See the attached Notice of Draftsperson's Patent Drawing ☐ The proposed drawing correction, filed onis/are object ☐ The specification is objected to by the Examiner.	is/are rejected. is/are objected to. are subject to restriction or election requirement.  Graview, PTO-948. is approved disapproved.
☐ Claim(s) ☐ Claim(s) ☐ 1 - 1 2  Application Papers  ☐ See the attached Notice of Draftsperson's Patent Drawing ☐ The proposed drawing correction, filed on	is/are rejected. is/are objected to. are subject to restriction or election requirement.  Graview, PTO-948. is approved disapproved.
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Claim 1 is generic to a plurality of disclosed patentably distinct species comprising ceramic oxides of (1) a single or (2) a multi-component system comprising one or more metal ions, i.e. the ceramic oxides can have one, two, three, four or more cations. Applicant is required under 35 U.S.C. 121 to elect an ultimate single disclosed species, even though this requirement is traversed. Each cation in the select species must be specified, for example, SiO<sub>2</sub> or BaZrO<sub>3</sub> ( *not* ABO<sub>3</sub>) or LaBaSrZrO<sub>5.5</sub> (*not* ABCDO<sub>3</sub>).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Examiner Ngoc-Yen Nguyen whose telephone number is (703) 308-2536.

The examiner is currently on a part time schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is

(703) 872-9311 (for OFFICIAL After Final amendment only) or (703) 872-9310 (for all other

OFFICIAL faxes). UNOFFICIAL fax can be sent to (703) 305-6078.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 308-0661.

N. M. Nguyen August 23, 2001 N. M. Nguyen
Primary Examiner

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